

***IN THE DISTRICT COURT OF THE UNITED STATES***  
***for the Western District of New York***

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**MAY 2018 GRAND JURY**  
**(Impaneled 05/04/2018)**

**THE UNITED STATES OF AMERICA      INDICTMENT**

**-vs-**

**JEFFREY RICHARDS**

**Violations:**

Title 18, United States Code, Sections 922(j), 924(c)(1), and 2;  
Title 21, United States Code, Sections 841, 846, 856(a)(1), and 858; and  
Title 26, United States Code, Sections 5861(c), 5861(d), and 5861(f)  
(12 Counts and 3 Forfeiture Allegations)

**COUNT 1**

**(Narcotics Conspiracy)**

**The Grand Jury Charges That:**

Beginning in or before October 2018, the exact date being unknown to the Grand Jury, and continuing until on or about December 14, 2018, in the Western District of New York, and elsewhere, the defendant, **JEFFREY RICHARDS**, did knowingly, willfully, and unlawfully combine, conspire, and agree with others, known and unknown to the Grand Jury, to commit the following offenses, that is:

- a. to possess with the intent to distribute, and to distribute,
  - (i) 100 grams or more of a mixture and substance containing acetyl fentanyl, a Schedule I controlled substance, and an analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl);

- (ii) 40 grams or more of a mixture and substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance;
- (iii) cocaine, a, a Schedule II controlled substance;
- (iv) marijuana, a Schedule I controlled substance; and
- (v) alprazolam, a Schedule IV controlled substance;

in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 841(b)(1)(C), 841(b)(1)(D), and 841(b)(2); and

b. to use and maintain a place for the purpose of manufacturing, distributing, and using acetyl fentanyl, a Schedule I controlled substance, cocaine, a Schedule II controlled substance, marijuana, a Schedule I controlled substance, and alprazolam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 856(a)(1).

**All in violation of Title 21, United States Code, Section 846.**

## **COUNT 2**

### **(Possession with Intent to Distribute Acetyl Fentanyl and Fentanyl)**

#### **The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, did knowingly, intentionally, and unlawfully possess with intent to distribute:

- a. 100 grams or more of a mixture and substance containing acetyl fentanyl, a Schedule I controlled substance, and an analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl); and
- b. 40 grams or more of a mixture and substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance.

**All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(B), and Title 18, United States Code, Section 2.**

**COUNT 3**

**(Possession with Intent to Distribute Cocaine)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, did knowingly, intentionally, and unlawfully possess with intent to distribute cocaine, a Schedule II controlled substance.

**All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).**

**COUNT 4**

**(Possession with Intent to Distribute Marijuana)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, did knowingly, intentionally, and unlawfully possess with intent to distribute marijuana, a Schedule I controlled substance.

**All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).**

**COUNT 5**

**(Possession with Intent to Distribute Alprazolam)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, did knowingly, intentionally, and unlawfully possess with intent to distribute alprazolam, a Schedule IV controlled substance.

**All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2).**

**COUNT 6**

**(Maintaining a Drug-Involved Premises)**

**The Grand Jury Further Charges That:**

Beginning in or before October 2018, the exact date being unknown to the Grand Jury, and continuing until on or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, did knowingly, intentionally, and unlawfully use and maintain a place, that is, the premises at 4 Packard Court, Apartment D, Niagara Falls, New York, for the purpose of manufacturing, distributing, and using acetyl fentanyl and marijuana, Schedule I controlled substances, cocaine and fentanyl, Schedule II controlled substances, and alprazolam, a Schedule IV controlled substance.

**All in violation of Title 21, United States Code, Section 856(a)(1).**

**COUNT 7**

**(Manufacturing Controlled Substances Creating a Substantial Risk of Harm to Human Life)**

**The Grand Jury Further Charges That:**

Beginning in or before October 2018, the exact date being unknown to the Grand Jury, and continuing until on or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, while manufacturing acetyl fentanyl, a Schedule I controlled substance, and fentanyl, a Schedule II controlled substance, did create a substantial risk of harm to human life.

**All in violation of Title 21, United States Code, Section 858 and Title 18, United States Code, Section 2.**

**COUNT 8**

**(Unlawfully Making a Destructive Device)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, unlawfully did knowingly make a firearm, namely, a destructive device, as described in Title 26, United States Code, Sections 5845(a)(8) and 5845(f), in violation of Chapter 53 of Title 26, United States Code.

**All in violation of Title 26, United States Code, Sections 5822, 5845(a)(8), 5845(f), 5845(i), 5861(f), and 5871.**

**COUNT 9**

**(Unlawfully Possessing a Destructive Device)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, unlawfully did knowingly possess a firearm, namely, a destructive device, as described in Title 26, United States Code, Sections 5845(a)(8) and 5845(f), not registered to the defendant, **JEFFREY RICHARDS**, in the National Firearms Registration and Transfer Record.

**All in violation of Title 26, United States Code, Sections 5841, 5845(a)(8), 5845(f), 5861(d), and 5871.**

**COUNT 10**

**(Unlawfully Possessing of a Destructive Device)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, unlawfully did knowingly possess a firearm, namely, a destructive device, as described in Title 26, United States Code, Sections 5845(a)(8) and 5845(f), made in violation of Chapter 53 of Title 26, United States Code.

**All in violation of Title 26, United States Code, Sections 5822, 5845(a)(8), 5845(f), 5845(i), 5845(c), and 5871.**

**COUNT 11**

**(Possession of Firearms in Furtherance of Drug Trafficking Crimes)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, violations of Title 21, United States Code, Sections 841(a)(1), 846, 856(a)(1), and 858 committed in the manner set forth in Counts 1 through 7 of this Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess firearms, including a destructive device as defined in Title 18, United States Code, Section 921(a)(4).

**All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(B)(ii), and 2.**

**COUNT 12**

**(Possession of a Stolen Firearm)**

**The Grand Jury Further Charges That:**

On or about December 14, 2018, in the Western District of New York, the defendant, **JEFFREY RICHARDS**, unlawfully did knowingly receive, possess, and conceal a stolen firearm, namely, one (1) AMT, model ACP Backup, .45 caliber semi-automatic pistol, bearing serial number DA3660, which had been shipped and transported in interstate commerce, knowing and having reasonable cause to believe the firearm was stolen.

**All in violation of Title 18, United States Code, Sections 922(j), 924(a)(2), and 2.**

**FIRST FORFEITURE ALLEGATION**

**The Grand Jury Alleges That:**

Upon his conviction of Counts 1 through 6 and 11 of this Indictment, or any one of them, the defendant, **JEFFREY RICHARDS**, shall forfeit his right, title, and interest to the United States of any firearm and ammunition involved or used in the commission of the offense, or found in the possession or under his immediate control at the time of arrest, including, but not limited to:

- a. One Remington 12 gauge shotgun, bearing serial number S748214V, with green strap and Tasco scope bearing serial number 8855SGMC;
- b. One Harrington and Richardson Inc., 349 caliber 12 gauge shotgun, bearing serial number 51733507;
- c. One 185 K-A Caliber 20 gauge shotgun, bearing unidentifiable serial number;
- d. One Mossberg 500A 12 gauge shotgun, bearing serial number T234545;
- e. One Taurus Rossi S12-308, 12 gauge shotgun, bearing serial number SR391527, with black strap, white strap and attached Bushnell scope, bearing serial number, 76-8945;
- f. One Winchester 62, .22 caliber long rifle, bearing serial number 192810, with scope;
- g. One Remington 522 Viper, .22 caliber, long rifle, bearing serial number 3023182, with attached Tasco Pronghorn Scope, with serial number 9309;
- h. Approximately seventy rounds of .45 ammunition and two magazines;
- i. Approximately six rounds of 12 gauge shotgun shells (one of which is slug);
- j. One Bandolier containing approximately nine shells, specifically, three 3-inch 410 rounds and six 2.5 inch 410 rounds of ammunition;
- k. Approximately two .22 caliber magazines with ten rounds ammunition in each;
- l. Approximately two hundred eighty-six .22 Long Rifle rounds of ammunition;
- m. Approximately two 20 gauge rounds of ammunition;
- n. Approximately eighteen 7.62 X 39 rounds of ammunition;



- o. Approximately nine rounds of .222 REM MAG ammunition;
- p. Approximately twenty-four .22 short rounds of ammunition;
- q. Approximately twenty .243 Winchester rounds of ammunition;
- r. Approximately sixteen .308 WIN rounds of ammunition;
- s. Approximately sixty-four rounds of 12 gauge ammunition;
- t. Approximately fifty-five rounds of 20 gauge ammunition;
- u. Approximately twenty-five 16 gauge rounds of ammunition;
- v. Approximately three 30/30 rounds of ammunition;
- w. Approximately three rounds of .22 caliber ammunition;
- x. Approximately twenty-seven 16 gauge rounds of ammunition;
- y. One .32 round of ammunition;
- z. One 9mm round of ammunition;
- aa. Approximately seven hundred CCL Primers; and
- bb. Approximately eighty-seven CB CAPS.

**All pursuant to Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).**

### **SECOND FORFEITURE ALLEGATION**

#### **The Grand Jury Further Alleges That:**

Upon his conviction of Counts 7, 8, 9, and/or 10 of this Indictment, the defendant, **JEFFREY RICHARDS**, shall forfeit his right, title, and interest to the United States of any firearms, namely destructive devices, involved in the offense(s), or found in the possession or under his immediate control at the time of arrest, including, but not limited to:

- a. one suspected improvised explosive device, and the components thereof, including, but not limited to, nails, nuts, bearings and fireworks or other incendiary devices.

**All pursuant to Title 26, United States Code, Section 5872(a).**

**THIRD FORFEITURE ALLEGATION**

**The Grand Jury Further Alleges That:**

Upon his conviction of any of the controlled substance offenses alleged in in this Indictment, the defendant, **JEFFREY RICHARDS**, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violations and any and all property used, and intended to be used, in any manner or part, to commit or to facilitate the commission of said violations, including, but not limited to:

The sum of approximately \$649 in U.S. Currency, seized from Jeffrey Richards by law enforcement on or about December 14, 2018.

**All pursuant to Title 21, United States Code Sections 853(a)(1) and 853(a)(2).**

DATED: Buffalo, New York, May 16, 2019.

JAMES P. KENNEDY, JR.  
United States Attorney

BY: S/BRENDAN T. CULLINANE  
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A TRUE BILL:

S/FOREPERSON